

Application No.: 09/866,095

Docket No.: 01-VE22.45

**REMARKS**

The following remarks are responsive to the Office Action of August 26, 2004. Claims 1-3 were presented for examination and were rejected. Claim 3 has been amended. Accordingly, claims 1-3 remain pending. Applicants submit that no new matter has been added by this amendment and that support for the amendment may be found on (pg. 6, line 25 through pg. 8, line 19) of the specification.

**I. 35 U.S.C. §102****A. Claim Rejections relying upon *Liao et al.***

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,590,186 to *Liao, et al.* For at least the following reasons, Applicants respectfully traverse.

*Liao* discloses a system and method for redirecting a telephone call with call merging. The system operates to route a telephone call originated by a calling party at a customer location to a primary location which may have subscriber personnel or voice response units as a redirecting party. The system monitors the call for redirect signals for routing the call to an alternate location through means of an adjunct processor associated with a network switch. The call legs extending through the adjunct processor are dropped and the call is merged in the associated network switch. (See column 3, lines 64-67; column 4, lines 1-8.)

From page 2, paragraph 2 of the Office Action, it is asserted that claims 1 and 2 read on Fig. 1 of the *Liao* reference. Particularly, it is asserted that the first central office switching system of claim 1 reads on the local exchange switch 24, the first call processing node of claim 1 reads on the terminating switch 62, and the communication device of claim 1 reads on the adjunct processor 34. With regard to claim 2, it is asserted that the terminating switch 74 reads on the second call processing node. Applicant disagrees with these assertions.

Fig. 1 of *Liao* illustrates terminating switches 62 and 74 simply as black boxes that do not provide any detail of internal components. The Specification of *Liao* provides some discussion of terminating switch 62, beginning at column 6, lines 31 -67 and ending at column 7, lines 1-4. However, the discussion only relates to how calls are routed to and through the terminating switch 62 and on to other components of the system. *Liao* simply does not disclose

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the structural elements comprising the first and second call processing nodes of claims 1 and 2. Particularly, each call processing node is claimed to include a processor, a memory device and a set of instructions stored in the memory device to direct the processor to act in accordance with the set of instructions. For a single reference to form the basis for an anticipation rejection, the reference must disclose every element of the claimed invention. *Liao* does not provide disclosure of the terminating switches 62 and 74 as comprising a processor, a memory device and a set of the instructions stored in a memory device in accordance with the first and second call processing nodes of claims 1 and 2. Because these positive limitations are not disclosed by *Liao*, claims 1 and 2 are patentable over this reference. As such, Applicants respectfully request that this reference be withdrawn as a basis for rejection.

**B. Claim Rejections Relying upon *MacAllister et al.***

Claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,242 to *McAllister et al.* For at least the following reasons, Applicant respectfully traverses.

*McAllister et al.* discloses a call processing system for servicing voice calls placed on a telephone network. The system includes a voice processor for processing a speech signal received on the telephone network from a caller, and a subscriber database that stores subscriber-specific information that is retrieved in response to processing of the speech signal by the voice processor. A telephone switch initiates completion of a voice call from the caller to a voice telephone terminal specified by the subscriber specific information. In response to a selection made by the caller requesting a product-related service, a communications processor selectively generates a digital message, which is then transmitted by a data network to a provider of the product-related service at a remote digital terminal specified by the subscriber-specific information. (Column 2, lines 41-55.)

From page 3, paragraph 4 of the Office Action, it is asserted that claims 1-3 read on Fig. 1 of *MacAllister*. It is further asserted that the claimed communication device reads on the intelligent peripheral 78 of Fig. 1 as described in column 5, lines 24-31 of *MacAllister*. Applicant disagrees with these assertions.

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Fig. 1 of *MacAllister* merely illustrates the IP 78 as a black box that establishes a communication path between a telephone switch and an intelligent service control point 76. At column 5, lines 24-31, the IP 78 is described as providing additional subscriber features and functions, an example of which is directly quoted below.

For example, IP 78 may include and provide voice recognition capabilities, messaging services, database access, etc. Thus, although the functionality provided by the subject embodiment of the invention is implemented using dedicated components at the customer premises, this functionality may also or alternatively be included as a network feature as supported by network equipment including the IP 78. (Col. 5, lines 24-31)

The above excerpt from the *MacAllister* Patent does not disclose or teach the communication device of claim 1. Particularly, there is no disclosure that the IP 78 of *MacAllister* operates to determine need for enhanced call processing via voice recognition, voice verification, or voice identification and thereafter selects one of a plurality of call processing nodes to which the call and caller information will be transferred.

Claim 1 includes a communication device that establishes a communication path between a call processing node and a central office switching system. Once a call is received by the office switching system, the communication device operates to determine if there is a need for enhanced call processing via voice recognition, voice verification, or voice identification. Once this determination is made, the communication device operates to transfer the call to a select one of a plurality of processing nodes capable of processing the call and the required matter. *MacAllister et al.* simply does not disclose an intelligent peripheral that operates as according to the communication device of the claimed invention. The limitations recited in claim 1 cannot simply be read into a cited reference. To form the basis for an anticipation rejection, a single reference must disclose each and every element of the claimed invention. *MacAllister et al.* simply does not satisfy this criteria and as such, claims 1 and 2 are patentable in view thereof. Accordingly, Applicant respectfully requests that this reference be withdrawn as a basis for rejection.

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Claim 3 has been amended to more clearly articulate the aspects of the invention. As amended, claim 3 describes a method of integrating PSTN with a second network including the steps of: 1) receiving a call from a calling party at a central office switching system comprised in the PSTN; 2) connecting the call from the PSTN to a first call processing node for processing based on a first trigger; 3) receiving a second trigger at the PSTN; 4) determining that the call requires enhanced call processing via voice recognition, voice verification, or voice identification services available at a second call processing node attached to a second network based on the second trigger; and 5) transferring the call and call information from the first call processing node to the second call processing node attached to the second network to provide additional routing information for completing the call. As mentioned above, support for this amendment may be found on (pg. 6, line 25 through pg. 8, line 19) of the specification.

*McAllister et al.* teaches a call processing system including an automated private branch exchange (PBX) system for servicing voice calls placed on a telephone network at a customer facility. The system includes a voice processor for processing a speech signal received on the telephone network from a caller, and a subscriber database that stores subscriber-specific information that is retrieved in response to processing of the speech signal by the voice processor. A telephone switch initiates completion of a voice call from the caller through the PBX system and on to a voice telephone terminal specified by the subscriber specific information. In response to a selection made by the caller requesting a product-related service, a communications processor selectively generates a digital message, which is then transmitted by a data network to a provider of the product-related service at a remote digital terminal specified by the subscriber-specific information. (Column 2, lines 41-55.)

Claim 3 has been amended as described above to more clearly articulate certain aspects of the invention which are not taught or suggested by *MacAllister et al.* *MacAllister et al.* does not teach the steps of receiving a second trigger at the PSTN; determining that the call requires enhanced call processing via voice recognition, voice verification, or voice identification services available at a second call processing node attached to a second network based on the second trigger; and transferring the call and call information from the first call processing node to the second call processing node attached to the second network to provide additional routing information for completing the call as according to amended claim 3.

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*MacAllister et al.* does not provide the necessary motivation for one having ordinary skill in the art to produce the invention as according to claim 3. Once the system of *MacAllister et al.* receives a call from the PSTN (70) of Figure 1, the call is handled by the automated PBX system until completion. Claim 3 includes a step that causes a call to be re-directed to a second network based on the PSTN receiving a second trigger. This is not taught or suggested by *MacAllister et al.* Accordingly, Applicants respectfully request that this rejection be withdrawn and that the claims be allowed.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 01-VE22.45 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to this deposit account number.

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Respectfully submitted,

By

Joel Wall

Registration No.: 25,648

Verizon Corporate Services Group Inc.

600 Hidden Ridge Drive

Mailcode HQE03H14

Irving, TX 75038

Customer No.: 32127

Telephone: 972-718-4800